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09/592,211	06/10/2000	David T. Griffiths	254/157	4801

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EXAMINER	
NGUYEN BA, PAUL H	
ART UNIT	**PAPER NUMBER**
2176	8

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/592,211	GRIFFITHS ET AL.	
	Examiner	Art Unit	
	Paul Nguyen-Ba	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the corresp ndence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 January 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This action is responsive to Amendment A, filed on January 14, 2004.

2. Claims 1-23 are pending. Claims 1, 11, and 14 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Visual Basic 5.0 Programmer's Guide, 1997, pgs. 5-9, 41, 546-48, 557-58, 575, Redmond, Washington 98052-6399 ("Microsoft"), in view of Kleinman, U.S. Patent No. 4,974,174.

Independent Claim 1

Microsoft discloses *a method of aligning items within an electronic document, each item having a relative tab indication, the method comprising the step of:*

a. determining the relative tab indication of the first item (see Microsoft, under heading: Understanding the Coordinate System, pgs. 557-58 "each object has a coordinate position");

b. positioning the first item within the document (see Microsoft, under heading: Displaying Print Output at a Specific Location, pg 547, "display of text on a form or picture box at a specific location"); *and,*

c. for each further item:

i. determining the relative tab indication of the item (see Microsoft, under heading: Understanding the Coordinate System, pgs. 557-58 "each object has a coordinate position");

ii. positioning the item within the document in accordance with the relative tab indication (see Microsoft, under heading: Displaying Print Output at a Specific Location, pg 547, "display of text on a form or picture box at a specific location").

Microsoft does not specifically disclose positioning the item within the document in accordance with *the position of each previously positioned item.*

Kleinman discloses a method of displaying multiple objects on a display terminal wherein each of the objects is positioned by reference to a previous object (see Kleinman column 2, lines 61-64) for the purpose of retaining the same relative aligning positions for graphic and textual objects, although the absolute positions of the objects may have changed (see Kleinman column 6, lines 60-65).

Since Microsoft and Kleinman are both from the same field of endeavor, the purpose disclosed by Kleinman would have been recognized in the pertinent art of Microsoft.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to position subsequent items in relation to their relative tab indications, as well as, in relation to the previously positioned items for the purposes of retaining the same

relative aligning positions for graphic and textual objects, although the absolute positions of the objects may have changed.

Claim 2

Microsoft further discloses *a method wherein any items with a relative tab indication greater than the tab indication of a previously positioned item are displaced from the previous item in a first direction* (see Microsoft, under heading: Displaying Print Output at a Specific Location, pgs. 547-48 "assigning higher x-coordinate value to current object displaces previous item in the first direction").

Claim 3

Microsoft discloses *a method of aligning items within an electronic document* incorporating the limitations of claim 1, but does not specifically disclose *a method wherein an item with no tab indication is displaced from the previous item in the first direction.*

Kleinman discloses a method of displaying multiple objects on a display terminal wherein each of the subsequent items (e.g. alignment point on the top left side) are positioned to the right of the previous item by reference to the previous object's alignment point (located on top right side) (see Kleinman Figure 4; column 5, lines 7-12) for the purpose of relatively aligning the items positions (see Kleinman column 6, lines 60-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine relative tab positioning with alignment points located on each object for the purposes of relatively positioning an item with no tab indication to the right of the previous item.

Claim 4

Microsoft further discloses *a method wherein any items having a relative tab indication less than the relative tab indication of a previously positioned item are displaced from the previous item in a second direction opposite to the first direction* (see Microsoft, under heading: Displaying Print Output at a Specific Location, pgs. 547-48 "assigning lower x-coordinate value to current object displaces previous item in the second direction").

Claim 5

Microsoft further discloses *a method wherein any items having a relative tab indication less than the relative tab indication of the previously positioned item are displaced from the previously positioned item in a third direction perpendicular to the first direction* (see Microsoft, under heading: Displaying Print Output at a Specific Location, pgs. 547-48 "assigning lower x-coordinate, and higher y-coordinate value to current object displaces previous item in the third direction perpendicular to the first direction").

Claim 6

Microsoft further discloses *a method wherein any items having a relative tab indication equal to or greater than the relative tab indication of previously positioned items are aligned with the previously positioned items in the first direction* (see Microsoft, under heading: Displaying Print Output at a Specific Location, pgs. 547-48 "assigning an equal x-coordinate, and higher y-coordinate value to the current object aligns it with the preciously positioned items in the first direction").

Claim 7

Microsoft discloses *a method of aligning items within an electronic document wherein each item has a predetermined size* (see Microsoft, Figure 3.1 on pg. 41 "[object].height or [object].diameter") incorporating the limitations of claim 1, but does not specifically disclose a method of *positioning each item so as to ensure that a predetermined distance exists between items in the first direction.*

Kleinman discloses a method of displaying multiple objects on a display terminal wherein each of the objects is positioned by reference to a previous object (see Kleinman column 2, lines 61-64) for the purpose of retaining the same relative predetermined distance for graphic and textual objects, although the absolute positions of the objects may have changed (see Kleinman column 6, lines 60-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to ensure that a predetermined distance existed between the items by assigning alignment points to each item for the purposes of retaining the same relative predetermined distance for graphic and textual objects, although the absolute positions of the objects may have changed.

Claim 8

Microsoft further discloses *a method wherein each relative tab indication includes at least one of first and second relative tab values, each relative tab value representing the relative tab position of a specific portion of the item* (see Microsoft, under heading: Moving a Line Control, pg. 575 "X1: x-coordinate of start of a line; Y1: y-coordinate of start of a line; X2: x-coordinate of end of line; Y2: y-coordinate of end of line").

Claim 9

Microsoft further discloses *a method wherein the first and second relative tab values are start and stop tab values indicating the relative position of the start and end of the item within the document* (see Microsoft, under heading: Moving a Line Control, pg. 575 "X1: x-coordinate of start of a line; Y1: y-coordinate of start of a line; X2: x-coordinate of end of line; Y2: y-coordinate of end of line").

Claim 10

Microsoft discloses *a method of aligning items within an electronic document* incorporating the limitations of claim 1, but does not specifically disclose *a method wherein the items are positioned in the first direction in accordance with the relative tab indication, and wherein the method comprises the relative positioning of the tab indication values to maintain at least a minimum separation between the items.*

Kleinman discloses a method of displaying multiple objects on a display terminal wherein each of the objects is positioned by reference to a previous object (see Kleinman column 2, lines 61-64) for the purpose of retaining the same relative aligning positions for graphic and textual objects maintaining at least a minimum separation between the items, although the absolute positions of the objects may have changed (see Kleinman column 6, lines 60-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to position subsequent items in relation to their relative tab indications, as well as, in relation to the previously positioned items for the purposes of retaining the same relative aligning positions for graphic and textual objects maintaining at least a minimum separation between the items, although the absolute positions of the objects may have changed.

Independent Claim 11

Microsoft and Kleinman disclose *an apparatus for aligning items within a document, including a display for displaying the document; and, a processor* adapted to perform the limitations of claim 1 (see Microsoft, under heading: Hardware and System Requirements, pg. 7; see Kleinman column 1, lines 9-12). Claim 11 incorporates substantially similar subject matter as claim 1, and is rejected along the same rationale.

Claim 12

Microsoft further discloses *an apparatus comprising a store for storing the relative tab indications of each of the items to be positioned, the processor being adapted to operate with the store to obtain the relative tab indications therefrom* (see Microsoft, under heading: Hardware and System Requirements, pg. 7).

Claim 13

Microsoft further discloses *an apparatus further comprising an input device, the input device being adapted to cooperate with the processor to allow the user to enter tab indication values for each item to be defined* (see Microsoft, under heading: Hardware and System Requirements, pg. 7).

Independent Claim 14

Microsoft discloses *a computer program product that includes a computer-usable medium having a sequence of instructions which, when executed by a processor, causes the processor to execute a process for aligning items within an electronic document, each item having a relative tab indication* (see Microsoft, pg. 5-9 "Visual Basic 5.0 program"), *the process*

comprising the limitations of claim 1. Claim 14 incorporates substantially similar subject matter as claim 1, and is rejected along the same rationale.

Claim 15

Claim 15 incorporates substantially similar subject matter as claim 2, and is rejected along the same rationale.

Claim 16

Claim 16 incorporates substantially similar subject matter as claim 3, and is rejected along the same rationale.

Claim 17

Claim 17 incorporates substantially similar subject matter as claim 4, and is rejected along the same rationale.

Claim 18

Claim 18 incorporates substantially similar subject matter as claim 5, and is rejected along the same rationale.

Claim 19

Claim 19 incorporates substantially similar subject matter as claim 6, and is rejected along the same rationale.

Claim 20

Claim 20 incorporates substantially similar subject matter as claim 7, and is rejected along the same rationale.

Claim 21

Claim 21 incorporates substantially similar subject matter as claim 8, and is rejected along the same rationale.

Claim 22

Claim 22 incorporates substantially similar subject matter as claim 9, and is rejected along the same rationale.

Claim 23

Claim 23 incorporates substantially similar subject matter as claim 10, and is rejected along the same rationale.

Response to Arguments

5. Applicant's arguments filed January 14, 2004 have been fully considered but they are not persuasive.

Applicant argues on page 11 of the response that Microsoft does not even disclose conventional tab settings, let alone relative tabs. The Examiner disagrees.

Examiner directs Applicant's attention to the specification wherein Applicant defines "tab settings" as specifying *a modifiable position at which various items can be located* (Specification - page 1, paragraph 3). Applicant goes on to further qualify "tab settings," declaring that the actual position of an item within a page can be specified by using *horizontal and vertical advance settings* (Specification – pg. 1, paragraph 4).

Microsoft teaches "Left" and "Top" properties that determine a form's location in relation to the upper left-hand corner of the screen (pg. 574, paragraph 6 *et seq.*). "Left"

determines the actual *horizontal* advance position of an item within a page along the x-coordinate. "Top" determines the actual *vertical* advance position of an item within a page along the y-coordinate. These properties allow the positioning of various forms (i.e. items) to be modified within the document and are equivalent to Applicant's definition of "tab settings".

Therefore, it follows that the tab setting of an item (and each further item) can be *determined* and *positioned* within a document in accordance with the tab settings (i.e. "Left" and "Top").

Furthermore, by definition, "relative" items must be dependent or connected with other items. "Relative" does not refer to the antecedent (i.e. "first item"). The "relative" aspect of the tabs goes more to the motivation argument set forth by Examiner regarding subsequent "items". Applicant argues on page 12 of the response that even if Microsoft and Kleinman were combined, the combination would neither teach nor suggest "determining the relative tab indication of the first item." Examiner disagrees.

As explained above, Microsoft teaches "determining the tab indication of the first item." Additionally, Kleinman also teaches the method of X/Y positioning, in which the origin (such as upper left corner) of each object is specified by a coordinate pair (col. 2, lines 17-24). Therefore, it is clear that Microsoft and Kleinman both teach "determining the tab indication of the first item." The motivation of the combination is directed toward the "relative" *positioning of subsequent objects* ("each further item") *by reference to a previous anchor object* (see Kleinman column 2, lines 61-64) for the purpose of retaining the same relative aligning positions for objects, although the absolute positions of the objects may have changed (see Kleinman column 6, lines 60-65).

Applicant's arguments with respect to independent claims 11 and 14 (Applicant Response – pg. 13) are not persuasive for the same reasons set forth by Examiner above for claim 1.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (703) 305-8776. The examiner can normally be reached on 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER